



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,357	04/05/2001	John Black	9456.5	3915

21999 7590 08/11/2005  
KIRTON AND MCCONKIE  
1800 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
P O BOX 45120  
SALT LAKE CITY, UT 84145-0120

EXAMINER

BROOKS, MATTHEW L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/827,357

Applicant(s)

BLACK, JOHN

Examiner

Matthew L. Brooks

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. **Claims 2, 3, 6, 9, 10, 13, 18, 19, 22, 25 and 26** are objected to because of the following informalities:
2. With respect to **Claims 18 and 25** Applicant stated that the word "ability" shall be replaced with "data"; however failed to do so on line 3. The Claims now read as follows "...ranking boxers based on data to enable a participating boxer to select an opponent of similar or advanced data." Appropriate action is required.
3. With respect to **Claims 2, 3, 6, 9, 10, 13, 19, and 26** Examiner notes that the word "particular" is missing from the claims. For instance, claim 2 should read as "...proposing a contest in the particular sporting event between a first user...", and so on in all of the aforementioned claims.
4. With respect to **Claim 22** Applicant appears to have misplaced the term particular and placed it before "participating". For purpose of examination, Examiner has placed the term before the term "potential". Appropriate action is required.

### *Claim Rejections - 35 USC § 112 2nd*

5. **Claims 1, 8, 15, 22** and all that depend therefrom are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Due to the amendments made (logic set forth below) the term "information" as used is indefinite.

In claims 18 and 25 Applicant replaced the word "ability" with the word "data".

Art Unit: 3629

Applicant also notes that is old and well known to rank boxers based on "data" (which Examiner notes for purposes of 103 below). Furthermore, Applicant amended claims 7 and 14 by adding the phrase "data storage location"

In accordance with these amendments/arguments by Applicant, Examiner is unable to determine the meaning of the word "information" as used in claims 1, 8, 15, 22 and all that depend therefrom. It appears Applicant intends "information" to be equivalent to "data". This is found for one instance in Claim 15 where Applicant "...receives information from one boxer regarding **willingness to consider** participating in a particular boxing match..."

Then in Claim 16 "selecting a location ...found with in the information (data?) organized into an electronically searchable format." Yet no location data has yet been received, only information regarding willingness to consider. Then finally in Claim 18, the step of ranking boxers based on "data" to enable a participating boxer to select an opponent of similar or advanced "data" /information. The data received in this claim must be the information received in Claim 15 from which 16 depends. For purposes of examination information is determined to be equivalent to data which corresponds with Applicant's intent as laid out in Claims 7 and 14, wherein Applicant amended the claims to include a "data storage location" which must be used to store the information received regarding users **willingness to consider**. Information regarding a users willingness to consider could merely be a statement saying "yes I would like to..." However it appears Applicant intends this information to mean much more than that

Art Unit: 3629

including information such ability data, win/loss record, location, date of birth, height, etc.

To help Examiner determine the scope of intended data stored or information received it is recommended that Applicant define. For instance in Claim 1, receiving information from a user/boxer comprising the persons, (name, record, height, weight, who they would be willing to fight such as desired height and rank). As the claims read now Examiner is confused how receiving information regarding a **users willingness to participate** in an event can be categorized in an electronically searchable format unless it is stored as "criteria/characteristic data". This also would correspond to Applicant's APPENDIX A, (page 44), Entitled "**MATCHMAKING FOR PROFESSIONAL BOXERS**" special attention paid to the column entitled "Sorting Criteria". All of the columns and lines of data listed is simply criteria/characteristic data. Which stores the data/information entered in by one user and a comparison of criteria data of at least one other user in an e-searchable format. All of which is exactly what Sutcliffe teaches (Column 3, 5-20 for purposes of 102 and 103 below). So for purposes of examination the data entered (willingness to compete in a particular potential sporting event) is considered to be *characteristic* data/information, which is then stored into an e-searchable format and when searched through is considered to be *criteria* data/information.

6. With respect to **Claims 5 and 12** Applicant argues that selling merchandise is inherent with coordinating an event. Examiner disagrees and has applied the broadest definition of *coordinating* found with in Merriam Webster OnLine Dictionary. Merriam

Art Unit: 3629

defines coordinating as 1. put in some order or rank; and 2. to bring into a common action. This definition also corresponds to Applicant's true intent of bringing together a boxing match. However, for purposes of 103 Applicant admits to include selling of merchandise in coordinating an event is old and well known as it is a critical part of the event and therefore would be obvious (See below).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-4, 6-11, 13, 14, and 22-28** as best interpreted by examiner are rejected under 35 U.S.C. 102(b) as being anticipated by Sutcliffe et al. (6,249,282).

As per **Claim 1, 8, and 22** Sutcliffe discloses:

A method and system for coordinating a competitive sporting event comprising the steps of:

receiving information from at least one user regarding said user's willingness to consider participation in a particular potential sporting event; (Column 3, 4-10 obtaining characteristic and criteria data and Column 11, 1-3 "for outdoor sports" represents particular potential sporting event);

organizing said information received from said at least one user into an electronically searchable format (Column 3, 55-64 and Column 5, 8-12);

providing access to said information organized into an electronically searchable

Art Unit: 3629

format to said user and third parties (Column 4, 50-53 "properly authorized users" and Column 7, 61-64).

NOTE: With respect to Claim 22; the apparatus intended use is given no patentable weight and is not critical. The fact that Sutcliffe says his system is for users and not "boxers" is not given patentable distinction. Furthermore, Sutcliffe's system is customizable and is capable of receiving any type of characteristic and criteria data from a boxer or a user. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus/system must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473 and MPEP 2144

9. With respect to **Claim 2 and 9**:

Sutcliffe discloses:

the step of proposing a contest in a *sporting* event between at least a first user and a second user (Column 6, 9-11 and Column 2, 65-68 through Column 3, 1 and Column 3, 15-18 and Column 11, 1-3) Sutcliffe uses the information to match one user to another and will even automatically search and match users whom are compatible to one another and notify user(s) (Column 8, 5-10) Furthermore, note that the type of event whether it be a sporting event, a meeting or a date is not patentably distinct also given the broad interpretation disclosed by Sutcliffe that "the invention is useful in many applications for matching individuals... using a wide variety of characteristic and criteria data." (Column 3, 46-52) Moreover one user is even allowed to establish contact to propose a meeting (Column 3, 15-18).

Art Unit: 3629

NOTE: Does not claim who proposes the contest. Based on claimed language it is sufficient for the first user of Sutcliffe to propose the event (Column 2, 65-Column 3, 1).

10. With respect to **Claim 3 and 10**:

Sutcliffe discloses:

the step of organizing a sporting event based on said information through the use of a web site and a wide area network (Column 11, 1-3 again to add emphasis to the Applicant that Sutcliffe does disclose organizing a sporting event, that of an outdoor sport, by the bringing of the two users together. Therefore Sutcliffe meets the broadest reasonable interpretation of organizing by bringing two users together for outdoor sports).

11. With respect to **Claim 6, 13 and 26**:

Sutcliffe discloses:

the step of enabling a first sports participant to challenge a second sports participant in a sporting event using the information organized therein (Column 2, 65-68 through Column 3, 1) match data allows one user to establish contact with at least another user and inherently can challenge said user with in the context of the contact. Also, combined with searching for the activity partner the participants must meet in some location to carry out the activity (Column 10, 62-68 through Column 11, 1-3) By matching two users Sutcliffe "enables" the first user to challenge the second user.

12. With respect to **Claims 7 and 14**:

Sutcliffe discloses:



the step of providing each of said at least one users with a data storage location accessible by said user and a portion of which is also accessible by selected of said third parties (Column 4, 48-56); Examiner considers properly authorized users to be the equivalent of select third parties.

13. With respect to **Claims 11 and 24**: the means for enabling a sports participant or boxer to locate an agent among said information; Sutcliffe discloses that a user may conduct a search based upon certain criteria data (2, 30-37). Sutcliffe does not disclose "per se" using the data to find an agent. However, this is merely matchmaking and using the Sutcliffe system to find an "agent" could certainly be done simply by requesting the characteristic data of "agent" in the search criteria (Column 7, 60-63).

14. With respect to **Claim 23**: the means for selecting a location and opponent to box from among other participating boxers found within the information organized into the electronically searchable format. This is nothing more than after contacting a user choosing a place to meet up or box and Sutcliffe system certainly discloses this capability (Column 3, 15-20).

15. With respect to **Claim 25**: the means for ranking boxers based on data to enable a participating boxer to select an opponent of similar or advanced data; Sutcliffe discloses presenting requested information to a user in an ordered manner and examiner considers this to be equivalent of ranking (Column 2, 24-27). Furthermore, Applicant admits that it is also well known in the art to rank boxers based on data which relates to their ability (Applicants REMARKS, page 8).

Art Unit: 3629

16. With respect to **Claim 27**: Sutcliffe discloses a means to search said information via a wide area computer network (Column 4, 17-31).

17. With respect to **Claim 28**: Sutcliffe discloses a means for establishing at least one web page for at least one of said participating boxers, which web page is viewable by selected of said third parties. Sutcliffe uses the system to provide personal ads in with many components (Column 3, 65-67 through Column 4, 1-5) and presents the personal adds over the internet (Column 4, 18-22) through a plurality of web sites (Column 4, 64-67).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. **Claims 4, 5, 12, 17, 18 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe.

Art Unit: 3629

21. With respect to Claims **4 and 17 and 22**:

Sutcliffe discloses the steps for enabling a sports participant or user to locate another user among said information; Sutcliffe discloses that a user may conduct a search based upon certain criteria data (2, 30-37).

Sutcliffe does not disclose “per se” the step for enabling a sports participant or boxer to locate an agent among said information; or explicitly using the data to find an agent. However, modifying the terms such as “sports participant and user” to “boxer and agent” is nothing more than modifying the **terminology** within the process of matchmaking which is old and well known with in the art (For support See Applicant’s Specification, Page 27, 3<sup>rd</sup> Paragraph). Furthermore it is old and well known that boxers need agents to promote them.

Moreover, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the first and second users of Sutcliffe to include a boxer and agent respectfully. Thus one of ordinary skill in the art would have been motivated to modify the reference as discussed above in order for a boxer to be matched with an agent to promote him/her.

22. With respect to Claims **5 and 12**:

Sutcliff as described in detail above does not disclose the step of providing electronic commerce for selected third parties seeking to purchase sports-related merchandise associated with a selected sports participant.

However, it is old and well known to providing electronic commerce for selected third parties seeking to purchase sports-related merchandise associated with a selected sports participant.

Furthermore Applicant highlights this in saying (bottom of page 8 and top of page 9 of REMARKS) that "coordinating and event" is well known to include performing all tasks associated with holding an event, including selling merchandise because it is critical in raising revenue.

Sutcliffe clearly teaches coordinating an event, as such Examiner takes Applicant's statement as admitted prior art that it is well known to include selling of merchandise would be obvious and is old and well known. It would have been obvious to one of ordinary skill at the time of the invention to modify Sutcliffe to include selling merchandise as admitted by Applicant.

Therefore one of ordinary skill in the art would have been motivated to modify Sutcliffe in order to carry out the critical part of the event of selling merchandise.

23. With respect to **Claim 18**:

Sutcliffe discloses the step of ranking users based on data to enable a participating *user* to select an *opponent/user* of similar or advanced data (presenting requested information to a user in an ordered manner and examiner considers this to be equivalent of ranking Column 2, 24-27).

Sutcliffe does not that the user is a boxer.

Art Unit: 3629

Examiner takes note that it is old and well known to rank boxers based upon data. Furthermore, Applicant admits that it is well known in the art to rank boxers based on data which relates to their ability (Applicants REMARKS, page 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the ability to rank based upon characteristic/criteria data entered of Sutcliffe to include ranking of boxers as admitted by Applicant. One of ordinary skill in the art would have been motivated to modify the references in order to present boxers in an ordered manner.

24. Claims **15, 16, 19, 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe in view of [www.angelfire.com/biz2/sjcboxing/match.html](http://www.angelfire.com/biz2/sjcboxing/match.html) effective date of 03/04/2000 on the "Wayback Machine" (herein after "angelfire").

25. With respect to **Claim 15**:

Sutcliffe discloses a method for coordinating an outdoor sport (event) match comprising the steps of:

receiving information from at least one user regarding said user's willingness to consider participating in a particular potential sport (event);

organizing said information received from said at least one user into an electronically searchable format;

providing access to said information organized into an electronically searchable format to said user, to other users, and to third parties. (as described in detail above)

Furthermore, in regards to **claim 16** Sutcliffe discloses the step of selecting a location and opponent to compete in an outdoor sport with from among other

Art Unit: 3629

participating competitors found within the information organized into the electronically searchable format. Sutcliffe allows users to establish contact (Column 3, 15-20) and propose an event (outdoor sport, etc.), inherently if the boxers/participants were to ever meet (because it is only "potential") inherently the event would have to include the step of selecting a location based upon the information in order to ever become a reality.

Sutcliffe does not disclose that the event is a competitive boxing match and the user is a boxer.

However, "angelfire" teaches that it was know in the art for boxers to use the internet or a website to find a fight for a particular potential boxing match. (See angelfire pg 1, "matchmaking"/"looking for fighters").

Moreover no unexpected results occur by the mere modification of Sutcliffe's user to boxer and outdoor sporting event to boxing match. In both scenarios a "person" enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of "angelfire" to have Sutcliffe's search criteria to say for example "looking for a boxer" at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

26. With respect to **Claim 19**:

Sutcliffe discloses the step of enabling a first user to challenge a second user to an outdoor sport (event), using the information organized therein (Sutcliffe: Column 10, 62-68 through Column 11, 1-3 and match data allows one user to establish contact with at least another user Column 3, 1-20).

Sutcliffe does not disclose that the event is a competitive boxing match and the user is a boxer.

However, "angelfire" teaches enabling a first boxer to challenges a second boxer to a boxing match wherein said second boxer may either accept or reject (which is also old and well known). Furthermore, Applicant's own specification refers to the terms "boxer" versus "tennis player" versus "user" and "boxing match" versus "tennis game" versus "... event" as simply a matter of **terminology** (See Applicant specification, page 27, 3<sup>rd</sup> full paragraph) and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match so that the two boxers may challenge each other.

Moreover no unexpected results occur by the mere modification of Sutcliffe's user to boxer and outdoor sporting event to boxing match. In both scenarios a "person" enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of "angelfire" to have Sutcliffe's search criteria to say for example "looking for a boxer" at the time the invention was made in order to organize a boxing

Art Unit: 3629

match on a website in order to expedite the finding of a suitable boxer for a boxing match.

27. With respect to **Claim 20**:

Sutcliffe discloses enabling information organized into an electronically searchable format to be accessed via a wide area computer network (Sutcliffe: Column 4, 17-31).

Sutcliffe does not disclose that the event is a competitive *boxing match* and the user is a *boxer*.

However, “angelfire” does teach this and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match as taught by “angelfire. Moreover no unexpected results occur by the mere modification of Sutcliffe’s user to boxer and outdoor sporting event to boxing match. In both scenarios a “person” enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of “angelfire” to have Sutcliffe’s search criteria to say for example “looking for a boxer” at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.



28. With respect to **Claim 21**:

Sutcliffe discloses the step of establishing at least one web page for at least one of said participating user, which web page is viewable by selected of said third parties. Sutcliffe uses the system to provide personal ads in with many components (Column 3, 65-67 through Column 4, 1-5) and presents the personal adds over the internet (Column 4, 18-22) through a plurality of web sites (Column 4, 64-67).

Sutcliffe does not disclose “boxer” and does not disclose that the event is a competitive boxing match and the user is a boxer.

However, “angelfire” does teach this and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match as taught by “angelfire. Moreover no unexpected results occur by the mere modification of Sutcliffe’s user to boxer and outdoor sporting event to boxing match. In both scenarios a “person” enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of “angelfire” to have Sutcliffe’s search criteria to say for example “looking for a boxer” at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

***Response to Arguments***

29. Applicant's arguments pages 8 – top of page 11, filed on 5/20/2005 have been fully considered but they are not persuasive.

30. With respect to Applicant's argument "The matchmaking system taught in Sutcliffe does not anticipate the limitation of receiving information from at least one user regarding said user's willingness to consider participation in a **particular potential sporting event**." Examiner respectfully disagrees. Examiner turns again to Merriam Webster's OnLine Dictionary for the definition of "particular" and "potential". **Particular** merely means being one unit or element among many (i.e.; outdoor sport). And, **Potential** means existing in possibility; capable of development into actuality. Sutcliffe sets up the potential for two persons to meet to play a sporting event. As soon as the persons/users arrange to play, after expressing willingness to play, according to any definition including Applicants the Sutcliffe system facilitates/coordinates a potential particular event.

True, Sutcliffe teaches a system of matchmaking which can include people describing their hobbies such as sports. But it also teaches coordinating (bringing into a common action) a particular (one sport among many) event.

31. With respect to Applicants assertion "Characteristic data is not the same as **willingness to participate** in a particular potential sporting event." (or in anything for that matter) Examiner respectfully disagrees. Characteristic data obtained by Sutcliffe is exactly the same type of data that Applicant intends to collect (such as name, age,

Art Unit: 3629

weight, height etc.; see above and Sutcliffe Fig 2A and 2B) and certainly anticipates the collection of other data.

Furthermore the mere fact that a user would be entering data such as looking for a sports partner shows their **willingness to participate**. As soon as the users were meet or set up the meeting for the sport (A.K.A. particular potential activity) it would have to be by any definition, including Applicant's a particular potential sporting event having defined participants and a particular activity.

32. With respect to Page 10, 103 arguments in regard to Claim 15; true Sutcliffe alone fails to teach "boxing" but in view of "angelfire.com" which shows one boxer entering of data and the fact that it is posted with the heading "looking for fighters" represents the boxers **willingness to participate** in a boxing match.

Furthermore it is a particular potential boxing match in that the website lists a date, time, location and fighter willing to participate and potential in that it is capable of development into actuality (if another boxer takes the fight).

33. With respect to Page 11, REMARKS; Applicant addresses Examiners statement that the reference "angelfire.com" could be alternatively be used to establish a 102 rejection: As Examiner has not set forth this rejection in this Office Action, Applicants argument is moot.

### ***Conclusion***

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3629

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

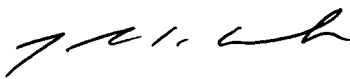
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB  
7/27/2005



JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600